

Appln. No. 10/719,240
Amendment dated April 12, 2005
Reply to Office Action mailed January 12, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 3 and 5 through 10 remain in this application. Claim 4 has been cancelled. Claims 11 through 14 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 1-3 of the Office Action

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Hatala.

Claim 1, particularly as amended, requires "said support assembly comprising a pair of stanchion members and at least one support member, each of said stanchion members being coupled to said frame assembly such that each of said stanchion members extends upwardly from said frame assembly and the bathtub, said support member being coupled to said stanchion members such that said support member extends between said stanchion members, said support member being adapted for being grasped by the user to support the weight of the user when the user is entering and exiting a bath". These limitations have been taken from claim 4.

Examiner has indicated in paragraph 10 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 4 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 4 and any intervening claims, is believed to be allowable.

The _ reference teaches

Withdrawal of the §102(b) rejection of claim 1 is therefore respectfully requested.

Paragraphs 4-6 of the Office Action

Appln. No. 10/719,240

Amendment dated April 12, 2005

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Claims 1 and 2 have been rejected under 35 U.S.C. §102(b) as being anticipated by Tillman et al.

Claim 1, particularly as amended, requires "said support assembly comprising a pair of stanchion members and at least one support member, each of said stanchion members being coupled to said frame assembly such that each of said stanchion members extends upwardly from said frame assembly and the bathtub, said support member being coupled to said stanchion members such that said support member extends between said stanchion members, said support member being adapted for being grasped by the user to support the weight of the user when the user is entering and exiting a bath". These limitations have been taken from claim 4.

Examiner has indicated in paragraph 10 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 4 together with the base claim and any intervening claims.

Therefore, claim 1, by virtue of its incorporation of the limitations of claim 4 and any intervening claims, is believed to be allowable.

Claim 2 is dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claim 2 is also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1 and 2 is therefore respectfully requested.

Paragraphs 7-9 of the Office Action

Claim 3 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Tillman et al as supplied supra.

Claim 1, particularly as amended, requires "said support assembly comprising a pair of stanchion members and at least one support member, each of said stanchion members being coupled to said frame assembly such that each of said stanchion members extends upwardly from said frame assembly and the bathtub, said support member being coupled to said stanchion members such that said support member extends between said

Appln. No. 10/719,240
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stanchion members, said support member being adapted for being grasped by the user to support the weight of the user when the user is entering and exiting a bath". These limitations have been taken from claim 4.

Examiner has indicated in paragraph 10 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 4 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 4 and any intervening claims, is believed to be allowable.

Claim 3 is dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claim 3 is also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claim 3 is therefore respectfully requested.

Paragraph 10 of the Office Action

Paragraph 10 of the Office Action states that claims 4-9 would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claim 4 (in its as-filed form) into the recitation of claim 1, and therefore claim 1 is believed to be in condition for allowance. Claims 2, 3 and 5 through 9, by virtue of their dependency from amended claim 1, are also submitted to be in condition for allowance.

Paragraph 11 of the Office Action

Claim 10 is allowed.

New Claims:

New claims 11 through 14 have been added to vary the scope of the claims and clarify the present invention. All limitations are supported by the original disclosure including the specification, drawings and original

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claims. Claim 11 incorporates the limitations of claims 1 and allowable claim 8 and is believed to be in condition for allowance. Claims 12 through 14 incorporate the limitations of claims 2, 3 and 9 respectively and are dependent on claim 11. Therefore, no new matter has been added. The new claims are believed to be allowable.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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